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EXAMINER

BARTLEY, KENNETH

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/961,088	Applicant(s) ROSENBAUM, WALTER	
	Examiner Kenneth L. Bartley	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/12/2002</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-25 have been examined.

Specification

2. The disclosure is objected to because of the following informalities: the words "therefore exists" are repeated in paragraph [0003]; payee is 10 and payor is 12 in paragraph [0018], but payee is 12 and payor is 10; the second and third sentences in paragraph [0019] should probably be combined; spelling of "asterixes" in paragraph [0020].

Appropriate correction is required.

Claim Objections

3. Claim 13 is objected to because of the following informalities: it lacks a period to end the sentence. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-15 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,426,281 to Abecassis in view of U.S. Patent 6,799,165 to Boesjes.

Regarding applicant claim 1:

A method of electronic cash on delivery for an item, comprising the steps of:

Abecassis discloses:

A system that "...implements electronic accessing means for allowing either of the parties to the transaction to affect the processing of the transaction." (Abstract);

generating a request for a first password;

"The overall function of the deposit protection center 40 is to process inputs provided from the communications equipment 100, verify credit-related information on that equipment, such as a user PIN number..." (col. 6, lines 8-11). Therefore, the system has the capability to process and verify personal codes (secret character strings), which are passwords;

generating a request for payment means;

"Further, the system provides the buyer and the seller with appropriate equitable electronic access to and control of the payment." (col. 3, lines 14-16);

generating a request for delivery means;

"It is envisioned that the system can be transparently integrated with the POS through software modifications requiring only those additional key strokes to enter the delivery conditions." (col. 6, lines 45-48);

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confirming good standing of said payment means, and where said payment means is not in good standing halting delivery of said item by said delivery means;

"The transaction processing system acts as a temporary depository control in the flow of the moneys from parties in a transaction ensuring that sufficient balances are available for the transaction and assuring that payment is made only upon satisfaction of the conditions set by the parties to the transaction." (Abstract). If conditions are not satisfactory, it seems logical that goods would not be delivered;

forwarding said first password to said delivery means;

"A transaction protection system is provided that permits non-related third parties to offer an impartial, readily accessible standardized service that will protect and encompass any moneys that are tendered by an individual or business entity to a transaction in relation to a second business or entity....The system may be implemented using site dependent or site independent (portable) point of sales terminals, computers or touch tone telephones." (Abstract) Therefore, since the equipment can be portable, an access code could be provided at time of delivery;

upon initiation of said delivery of said item by said delivery means, obtaining a second password;

comparing said second password with said first password;

"Once the access code is approved, a list of ten (10) options are read by (or menu-provided) to the user." (col. 11, lines 3-4). If the access code is not valid this does not happen (Fig. 5), therefore, some type of comparison verification of the code is taking place;

completing delivery of said item when said first password matches said second password; and

"Placing a payment of the deposit on hold begins at step 402 where the buyer has determined that "satisfactory delivery" has not or is not likely to occur." (col. 10, lines 25-27). Presumably the buyer can release the hold and complete the delivery;

halting delivery of said item when said first password does not match said second password.

"If the access coded is disapproved, however, processing then loops back to the beginning and the buyer must retry both card number and access code again." (col. 10, lines 62-65). This would prevent further processing of the order from occurring.

While Abecassis provides for an access code and delivery, he does not provide details regarding a password.

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Boesjes, in the same field of endeavor of transaction protection and delivery, discloses:

"The provider identification data and/or provider password may be generated by the system, or selected by the provider, or a combination thereof." (col. 7, lines 39-42);

"To provide apparatus and methods for inventory, sale, and delivery of digitally transferable goods wherein order identification information and/or an order password are sent to a buyer electronic mail address, and are required for buyer confirmation of the order;" (col. 3, lines 18-22);

Boesjes, therefore, provides details regarding passwords and their use for completing delivery of an item and it would have been obvious to one skilled in the art at the time of invention motivated by Boesjes to provide for passwords and require them for delivery of goods since this would enhance transaction protection by ensuring the proper party received their purchased item.

Regarding claim 2:

The method according to claim 1, further comprising the step of: prior to initiation of delivery, repeating said step of verifying good standing.

Abecassis discloses:

If a debit is to be made, then the system verifies whether or not there is a sufficient balance in the depositor's deposit account to cover the cost of the transaction. (col. 8, lines 61-64). Therefore, the system is checking specific transactions to verify fund availability for specific transactions.

Regarding claims 3 and 5:

(claim 3.) The method according to claim 1, further comprising the step of storing said first password in a memory, and wherein said step of comparing further comprises the step of accessing said memory and retrieving said first password.

(claim 5.) The method according to claim 3, wherein said step of comparing is performed automatically by electronic means.

Abecassis discloses:

"The deposit center can be implemented by one or several computers or other suitable logic devices that are connected to modems to the communications equipment 100 and that include substantial memory capacity." (col. 6, lines 17-20). Also, computers are capable of comparing character strings.

Regarding claim 4:

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The method according to claim 3, wherein said step of comparing is performed by a manual comparison of the first password and second password.

Abecassis discloses:

The deferred verification means 109 represents non-computer-based verification communications with the center 40. The purpose of the means 109 are described in FIG. 2 relating to the manual verification operations for the system. (col. 5, lines 60-64). Even though Abecassis does not specifically provide for manual comparison of passwords, he provides for non-computer-based verification, and manual comparison of passwords is a non-computer-based verification method.

Regarding claims 6-9:

(claim 6.) The method according to claim 3, wherein said memory is housed in a mobile phone.

(claim 7.) The method according to claim 3, wherein said memory is housed in a portable computer.

(claim 8.) The method according to claim 3, wherein said memory is housed in a personal digital assistant.

(claim 9.) The method according to claim 3, wherein said memory is located at a central location and is remotely accessed during said step of comparing.

Abecassis discloses:

"The transaction capability includes portable computer/modems, telephones, portable POS terminals, and other such devices comprising a facility for computer-based communications and processing." (col. 3, lines 59-63).

Regarding claim 10:

The method according to claim 1, wherein said first password is provided by a first party and said second password is provided by a second party.

Abecassis discloses:

The access code would likely be stored on a third party computer and the purchaser would provide the access code for comparison. It is noticed that there is a difference between someone who creates and someone who provides a password.

Regarding claim 11:

The method according to claim 1, further comprising the step of providing electronic factoring to a vendor of said item when said payment means is in good standing.

Abecassis discloses:

"The system does provide a capability for the buyer to advance the payment of the deposit to the seller by accessing the system at 402 and

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approving payment.” (col. 10, lines 6-9). It is noticed in the applicants specification that “factoring” is defined as an advance of money against future accounts receivables.

Regarding claim 12:

A method of electronic cash on delivery for an item, comprising the steps of:
generating a request for a first password;

Abecassis discloses:

“The overall function of the deposit protection center 40 is to process inputs provided from the communications equipment 100, verify credit-related information on that equipment, such as a user PIN number...” (col. 6, lines 8-11);

forwarding said first password to a delivery means;

“A transaction protection system is provided that permits non-related third parties to offer an impartial, readily accessible standardized service that will protect and encompass any moneys that are tendered by an individual or business entity to a transaction in relation to a second business or entity....The system may be implemented using site dependent or site independent (portable) point of sales terminals, computers or touch tone telephones.” (Abstract) Therefore, since the equipment can be portable, an access code could be provided at time of delivery;

comparing said second password with said first password;

“Once the access code is approved, a list of ten (10) options are read by (or menu-provided) to the user.” (col. 11, lines 3-4). If the access code is not valid this does not happen (Fig. 5);

completing delivery of said item when said first password matches said second password; and

“Placing a payment of the deposit on hold begins at step 402 where the buyer has determined that “satisfactory delivery” has not or is not likely to occur.” (col. 10, lines 25-27). Presumably the buyer can release the hold and complete delivery.

halting delivery of said item when said first password does not match said second password.

“If the access coded is disapproved, however, processing then loops back to the beginning and the buyer must retry both card number and access code again.” (col. 10, lines 62-65).

While Abecassis provides for an access code and delivery, he does not provide details regarding a password.

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Boesjes, in the same field of endeavor of transaction protection and delivery, discloses:

“The provider identification data and/or provider password may be generated by the system, or selected by the provider, or a combination thereof.” (col. 7, lines 39-42);

“To provide apparatus and methods for inventory, sale, and delivery of digitally transferable goods wherein order identification information and/or an order password are sent to a buyer electronic mail address, and are required for buyer confirmation of the order;” (col. 3, lines 18-22);

Boesjes, therefore, provides details regarding passwords and their use for completing delivery of an item and it would have been obvious to one skilled in the art at the time of invention motivated by Boesjes to provide for passwords and require them for delivery of goods since this would enhance transaction protection by ensuring the proper party received their purchased item.

Regarding claim 13:

**The method according to claim 12, further comprising the steps of:
generating a request for payment means;**

“Further, the system provides the buyer and the seller with appropriate equitable electronic access to and control of the payment.” (col. 3, lines 14-16);

generating a request for delivery means; and

“It is envisioned that the system can be transparently integrated with the POS through software modifications requiring only those additional key strokes to enter the delivery conditions.” (col. 6, lines 45-48);

confirming good standing of said payment means, and where said payment means is not in good standing halting delivery of said item by said delivery means

“Briefly, these and other objects of the invention are accomplished in its apparatus aspects by means of a computer-based transaction system where parties deposit funds in an escrow that is under the control of an unrelated third party to which the depositing party has effective access; at the time of a purchase transaction, the other party (i.e. seller) elicits information from the system to determine that the purchaser has a valid account, and then verifies that the account has sufficient money to cover the purchase.” (col. 3, lines 64-68 and col. 4, lines 1-5). Therefore, it would defeat the purpose of this system to deliver goods where payment is not secured.

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Regarding claim 14:

The method according to claim 13, wherein said first password is provided by a first party and said second password is provided by a second party.

Abecassis discloses:

The access code would likely be stored on a third party computer and the purchaser would provide the access code for comparison. It is noticed that there is a difference between someone who creates and someone who provides a password.

Regarding claim 15:

The method according to claim 12, further comprising the step of providing electronic factoring to a vendor of said item when said payment means is in good standing.

Abecassis discloses:

"The system does provide a capability for the buyer to advance the payment of the deposit to the seller by accessing the system at 402 and approving payment." (col. 10, lines 6-9).

Regarding claim 21:

A system for providing secure delivery of an item, configure to:
monitor a transaction involving an item between a first and second party;

Abecassis discloses:

"A transaction protection system is provided that permits non-related third parties to offer an impartial, readily accessible standardized service that will protect and encompass any moneys that are tendered by an individual or business entity to a transaction in relation to a second business or entity." (Abstract);

generate a request for a password from said first party;

"The overall function of the deposit protection center 40 is to process inputs provided from the communications equipment 100, verify credit-related information on that equipment, such as a user PIN number..." (col. 6, lines 8-11). Therefore, the system has the capability to process and verify personal codes (secret character strings), which are passwords;

provide said password to a delivery service charged with delivering said item;

"A transaction protection system is provided that permits non-related third parties to offer an impartial, readily accessible standardized service that will protect and encompass any moneys that are tendered by an individual or business entity to a transaction in relation to a second business or entity....The system may be implemented using site dependent or site independent (portable) point of sales terminals, computers or touch tone

telephones.” (Abstract). Therefore, since the equipment can be portable, an access code could be provided at time of delivery;

receive confirmation of said password upon delivery of said item.

“If the access coded is disapproved, however, processing then loops back to the beginning and the buyer must retry both card number and access code again.” (col. 10, lines 62-65). Therefore, for delivery to occur would require proper access code being provided.

While Abecassis provides for an access code and delivery, he does not provide details regarding a password.

Boesjes, in the same field of endeavor of transaction protection and delivery, discloses:

“The provider identification data and/or provider password may be generated by the system, or selected by the provider, or a combination thereof.” (col. 7, lines 39-42);

“To provide apparatus and methods for inventory, sale, and delivery of digitally transferable goods wherein order identification information and/or an order password are sent to a buyer electronic mail address, and are required for buyer confirmation of the order;” (col. 3, lines 18-22);

Boesjes, therefore, provides details regarding passwords and their use for completing delivery of an item and it would have been obvious to one skilled in the art at the time of invention motivated by Boesjes to provide for passwords and require them for delivery of goods since this would enhance transaction protection by ensuring the proper party received their purchased item.

Regarding claim 22:

The system according to claim 21, wherein said system is further configured to provide electronic factoring to said second party.

Abecassis discloses:

“The system does provide a capability for the buyer to advance the payment of the deposit to the seller by accessing the system at 402 and approving payment.” (col. 10, lines 6-9).

Regarding claim 23:

The system according to claim 21, wherein said system is further configured to verify payment means of said first party.

Abecassis discloses:

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If a debit is to be made, then the system verifies whether or not there is a sufficient balance in the depositor's deposit account to cover the cost of the transaction. (col. 8, lines 61-64). Therefore, the system is checking specific transactions to verify fund availability for that transaction.

7. Claims 16-20, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as combined in section (6), above, in further view of Official Notice.

Regarding claims 16-20, 25 and 25:

(claim 16.) A hand held device for verifying the delivery of an item, comprising:
means for receiving and electronically storing a password, said password generated during a purchase transaction of an item;
means for accessing said electronically stored password;
means for noting verification of said password, said verification comprising comparison of said electronically stored password with a password provided upon delivery of said item.

(claim 17.) The hand held device according to claim 16, wherein said device is a personal digital assistant.

(claim 18.) The hand held device according to claim 16, wherein said device is a mobile telephone.

(claim 19.) The hand held device according to claim 16, wherein said electronically stored password is electronically stored remotely and said hand held device further comprises means for accessing and retrieving said remotely stored electronic password.

(claim 20.) The hand held device according to claim 16, wherein said purchase is made on-line.

(claim 24.) The system according to claim 21, further comprising means for communicating said password to a remote hand held unit.

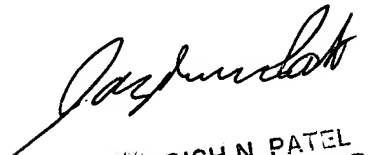
(claim 25.) The system according to claim 22, wherein said means for communicating further comprising means for receiving data from said remote hand held unit.

Although the references as combined above provide for passwords and portable electronic equipment, they do not detail hand held devices. The Examiner takes Official Notice that it was old and well known in the art at the time of invention to use hand held devices for storing and communicating information and that such devices offer the ultimate in portability and convenience, especially important for delivering goods to customers since weight and bulk need to be minimized for a delivery person carrying packages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth L. Bartley whose telephone number is (571) 272-5230. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jagdish Patel can be reached on (571) 272-6748. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JAGDISH N. PATEL
PRIMARY EXAMINER